



**European Competition Law :  
a new role  
for the Member States**

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# European Competition Law A New Role For

**Claus-Dieter Ehlermann, Isabela  
Atanasiu**



## **European Competition Law A New Role For:**

**Coherence in EU Competition Law** Wolf Sauter, 2016-05-26 EU competition law plays a central role in the process of European integration both as a multifaceted tool for creating and policing the internal market as well as in organising national markets Yet as a consequence of this role it is also subject to increasingly complex demands a proliferation of sectoral regimes and multiple objectives at both an EU and national level This profligacy entails risks of fragmentation and divergence which could jeopardise the proper functioning of the internal market In this examination of EU competition law Wolf Sauter discusses three main issues i what degree of coherence exists in EU competition law ii how this coherence can be explained particularly in the broader context of integration by EU law and iii how it contributes to the legitimacy and effectiveness of EU competition law Specific focus is placed on antitrust while mergers state aid control as well as the sectoral regimes for energy and electronic communications are also examined In addition the book also charts the history and framework of these competition regimes that jointly constitute EU competition law defining both its objectives and limitations

**European Competition Law Annual 2002** Claus-Dieter Ehlermann, Isabela Atanasiu, 2005-01-13 The European Competition Law Annual 2002 is the seventh in a series of volumes following the annual workshops on EU Competition Law and Policy held at the Robert Schuman Centre of the European University in Florence The volume reproduces the materials of the roundtable debate that took place at the seventh Workshop

Joint Research and Development under US Antitrust and EU Competition Law Björn Lundqvist, 2015-04-30 This fascinating new book dissects from a Competition law perspective how Research and Development collaborations operate under both US and EU antitrust law Analyzing the evolution of this innovation landscape from the 1970s to the present day Blom

Competition Law in the EU Johan W. van de Gronden, Catalin S. Rusu, 2024-05-02 This thoroughly revised and updated second edition provides an enhanced understanding of EU competition law exploring significant substantive and enforcement issues relating to antitrust merger control the Digital Markets Act and state aid law While considering well established doctrines and landmark judgements the textbook also addresses recent developments such as digitalisation sustainability and globalisation and how these issues will influence future inquiry into competition law

The Modernisation of EU Competition Law Enforcement in the European Union Dermot Cahill, John D. Cooke, Wouster Wils, 2004-06-17 An international survey covering the domestic anti trust laws of 25 EU member states

**European Competition Law Annual 2000** Claus-Dieter Ehlermann, Isabela Atanasiu, 2001-05-21 The materials of a 2000 debate on the proposals made by the European Commission for the reform and decentralisation of EC antitrust enforcement

Firm Dominance in EU Competition Law Jorge Marcos Ramos, 2020-02-20 How does it come about that a certain firm dominates a market Can an understanding of this process lead to a more effective enforcement of competition law That is the question approached in this compelling book The author reviews the European Union s EU s Article 102 case law comparing it with United States US provisions demonstrating that new ways of looking at

market power are needed today's tech giants differ from older monopolies. He clarifies the role of dominant firms in the competitive process, proposing that conduct should be scrutinized differently depending on the source of market power rather than using the same approach for all dominant undertakings. Supporting his contention that the legal consequences that derive from holding a dominant position cannot be disassociated from the sources of that market power, that a dynamic understanding of dominance requires looking both forwards and backwards in time, the author examines such sources of dominance as the following: statutory dominance derived from explicit protectionist measures or subtler geo-economic strategies; legacy firms such as the telecommunications or transport industries; natural monopolies, e.g. the exploitation of a mine; investment efforts undertaken in a competitive environment; intangible resources such as timing, reputation, experience, innovation capabilities or managerial processes; lucky monopolies; and anticompetitive behavior on the road to dominance. Drawing insights from EU and US case law, industrial organization scholarship and strategic management literature, the book resolves questions related to the role that the origins of market power have played and should play in the enforcement of EU competition rules against dominant firms. It concludes with a list of policy recommendations bringing the application of Article 102 TFEU against dominant firms more in line with the objective of protecting the competitive process. With its focus on how EU competition law enforcement should be fine-tuned to adequately incorporate the origins of firm dominance into the analysis of single firm behavior, the book makes a major contribution to the analysis of anticompetitive effects. Practitioners, competition authorities and academics in competition law will greatly appreciate the book's combination of legal analysis and recommendations for policy reform.

*European Competition Law Annual 2003* Claus-Dieter Ehlermann, Isabela Atanasiu, 2006-03-14. The *European Competition Law Annual 2003* is the eighth in a series of volumes following the annual workshops on EU Competition Law and Policy held at the Robert Schuman Centre of the European University in Florence. The volume reproduces the materials of the roundtable debate that took place at the eighth Workshop and is dedicated to the question: What is an Abuse of a Dominant Position? It contains the usual mix of expert discussion and expert papers presented by the participants at this annual gathering of leading EU and international experts on competition law.

*A Framework for European Competition Law* Christopher Townley, 2018-11-29. This book asks whether the current push to increase uniformity in substantive and procedural competition policy and enforcement in Europe as well as in related institutional structures is desirable. It focuses on European Union (EU) competition policy and enforcement related to Articles 101 and 102 TFEU and the merger rules, the equivalent rules in the Member States and the relationships between these different legal orders. Uniformity has many benefits, yet the advantages of diversity are also legion, enabling more policy experimentation and innovation and improving the ability to accommodate national preferences. Contrary to the overwhelming view of academics, practitioners and regulators in this area, the book argues that uniformity is insufficient and examines ways of achieving a better mix of uniformity and diversity. The EU's motto is 'United in Diversity'. To achieve this

better mix the book offers a new framework for European competition law Coordinated Diversity Finally this book discusses whether Coordinated Diversity fits with the current legal order in the EU as well as the EU constitutional settlement more generally and suggests some ways that it might be made compatible with this order with relative ease The book's impact could be significant changing the results in individual cases the way cases are argued and what information is relevant More importantly it builds the theoretical foundations for fundamentally altering the way in which the EU and the Member States competition authorities interact allowing space for disagreement and uncertainty The aim is to improve the efficiency and effectiveness of competition policy making and enforcement in Europe It should also increase the legitimacy in this field rebalancing towards the Member States Coordinated Diversity provides a new way of seeing the EU that better blends difference when this is demanded with uniformity and its benefits as necessary A timely and ambitious work this book will be read with interest by all practitioners and academics interested in EU competition law as well as the related fields of political science and economics

**European Competition Law Annual 2007** Claus-Dieter Ehlermann, Mel Marquis, 2008-11-28 This is the twelfth in a series on EU Competition Law and Policy produced by the Robert Schuman Centre of the European University Institute in Florence The volume reproduces the written contributions and transcripts in connection with a roundtable debate which examined the EU's enforcement policy as regards the abuse of a dominant position under Article 82 EC The workshop participants included senior enforcement officials and policy makers from the European Commission from the national competition authorities of certain EU Member States and from the US Department of Justice and Federal Trade Commission and renowned international academics legal practitioners and professional economists In an intense intimate environment this group of experts debated a number of legal and economic issues structured according to three broad lines of discussion 1 comparisons of the concept of monopolization under Section 2 of the Sherman Act with that of abuse of dominance under Article 82 EC 2 a reformed approach to exclusionary unilateral conduct and 3 exploitative unilateral conduct and related remedies

**European Competition Law Annual 2006** Claus-Dieter Ehlermann, Isabela Atanasiu, 2007-11-16 This is the eleventh in the series on EU Competition Law and Policy produced by the Robert Schuman Centre of the European University Institute in Florence The volume reproduces the materials of the roundtable debate which examined the enforcement of the prohibition on cartels The workshop participants senior representatives of the Commission and the national competition authorities of some EC Member States renowned international academics and legal practitioners discussed the economic and legal issues that arise in this particular area including 1 unearthing cartels the evidence 2 the institutional framework and 3 tools of enforcement

**The Evolving Governance of EU Competition Law in a Time of Disruptions** Carlo Maria Colombo, Kathryn Wright, Mariolina Elia Antonio, 2024-02-08 This book develops a timely analysis of the complex trends and transformations emerging in EU competition law in the current turbulent times Repeated economic crises the climate emergency digitalisation and geopolitical and democratic threats are all having

profound societal and economic effects on the EU In light of its fundamental role in the Treaties EU competition law has been called upon to play an important role in responding to this state of turbulence This brings about significant governance and constitutional challenges firstly by questioning how the governance of EU competition law is being transformed to respond and adapt Secondly these crisis induced transformations probe the logic and constitutional limits of EU competition law within the framework of EU law This collection brings together EU institutional and competition lawyers to reflect on the governance and constitutional challenges emerging from the post modernisation evolution of EU competition law against the backdrop of the recent multiple crises in the EU The essays focus on the substantive and procedural developments across the three main policy areas of EU competition law antitrust merger control and State aid EU constitutional and competition lawyers will be interested in this important new collection

**Collective Redress and EU Competition Law** Eda

Şahin,2018-12-07 Exploring obstacles to effective compensation of victims of competition infringements this book categorises the types of victims harmed and the types of losses arisen from these infringements to identify to what extent there is a need for enhanced private competition law enforcement in the European Union EU and the best way to address this need It shows that there is a genuine need for facilitating consumer damages actions and that consumer claims are the only claims that can be pursued in a collective redress action In order to compensate consumers and overcome barriers to effective enforcement of their right to damages it structures a collective redress action for consumers by considering the following elements i the formation of the group ii the type of representative party iii funding mechanisms and iv calculation and distribution of damages

EU Competition Law and Pharmaceuticals Wolf Sauter,Marcel Canoy,Jotte Mulder,2022-11-15

This timely book discusses the application of the EU competition rules to pharmaceuticals covering the prohibitions on anticompetitive agreements and abuse of dominance and merger control It carefully considers the balance between competition and innovation as well as between competition and regulation and concludes that competition and regulation are not alternatives but complementary and that novel ways of taking into account risk and real innovation through competition assessments have been developed

**Evidence, Proof and Judicial Review in EU Competition Law** Fernando Castillo de la Torre,Eric

Gippini Fournier,2024-03-14 In this thoroughly revised new edition of what quickly became the authoritative work when first published in 2017 Fernando Castillo de la Torre and Eric Gippini Fournier two of the most experienced litigators in EU competition law update their systematic analysis of the case law of the EU Courts on the rules of evidence proof and judicial review as they are applied in EU competition law

**The Enforcement of EU Competition Rules by Civil Law** Nina

Bucan Gutta,2014-11-04 Private enforcement of competition law in particular through damages actions is recently one of the highly debated topics in European competition law Arguments for private enforcement are based on the EU principle of effectiveness while existing national substantive and procedural regimes applicable to damages may be ill suited for the effective enforcement of EU competition law However the risk that the introduction of enforcement oriented measures into

national law is incompatible with private civil law is often underestimated or neglected This book aims to reconcile both EU enforcement and private law perspectives through a detailed study of the English and Slovenian private law systems Research on the compatibility of EU competition enforcement oriented measures with the private law regimes in England and Slovenia is used to argue that some changes to private law based on proposals for effective enforcement go too far and risk undermining the integrity of the Legal systems This book already takes into account the 2014 Directive on antitrust damages actions

**Consumer Involvement in Private EU Competition Law Enforcement** Maria Ioannidou, 2015-09-03 Despite the growing importance of consumer welfare in EU competition law debates there remains a significant disconnect between rhetoric and reality as consumers and their interests still play only an ancillary role in this area of law Consumer Involvement in Private EU Competition Law Enforcement is the first monograph to exclusively address this highly topical and much debated subject providing a timely and wide ranging examination of the need for more active consumer participation in competition law Written by an expert in the field it sets out a comprehensive framework of policy implications and arguments for greater involvement positioning the debate in the context of a broader EU law perspective It outlines pragmatic approaches to remedial and procedural measures that would enable consumer empowerment Finally the book identifies key institutional and political obstacles to the adoption of effective measures and suggests alternative routes to enhance the role of consumers in private competition law enforcement The book s innovative approach combining normative analysis and practical solutions make it invaluable for academics policy makers and practitioners in the field

The Conceptual Structure of EU Competition Law Csongor I. Nagy, 2024-10-03 This is an Open Access title available under the terms of a CC BY NC ND 4.0 License It is free to read download and share on Elgaronline thanks to generous funding support from the Ministry of Culture and Innovation of Hungary and the National Research Development and Innovation Fund The Conceptual Structure of EU Competition Law provides a systematic overview of the key theoretical issues of restrictive agreements by means of doctrinal analysis and comparative law Engaging in both positivist and evaluative approaches Csongor Istvan Nagy conceptualizes case law in practical terms outlining its paradigmatic changes and apparent contradictions

**Cross-Border EU Competition Law Actions** Mihail Danov, Florian Becker, Paul Beaumont, 2013-06-18 This book written within the framework of a research project funded by the European Commission Civil Justice Programme identifies the ways in which cross border EU competition law actions can best be handled in Europe Employing traditional library based legal research methods as well as qualitative interviews with legal practitioners in Germany and England countries sharing different legal traditions and policy makers in Brussels the book considers how private EU competition law actions are functioning at the moment and how they could and should be developed The study proposes solutions for some of the most pressing practical problems and includes chapters by the following academics legal practitioners and judges Judge I Pelik nov General Court of the EU J Lawrence and A Morfey Freshfields P Lasok QC Monckton Chambers H Mercer QC Essex Court Chambers J Webber

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Bar Greece S Dnes Sidley Austin Brussels F Becker and J Kammin Kiel University Germany and M Danov Brunel University

EC Private Antitrust Enforcement Assimakis Komninos, 2008-02-22 This book written by an academic cum practitioner with substantial experience in the field of antitrust enforcement presents the rise of private enforcement of competition law in Europe especially in the context of the recent modernisation and decentralisation of EC competition law enforcement In particular the study examines the role of courts in the application of the EC competition rules and views that role in the broader system of antitrust enforcement The author starts from the premise of private enforcement s independence of public enforcement and after examining the new institutional position of national courts and their relationship with the Court of Justice the Commission and public enforcement in general proceeds to deal with the detailed substantive and procedural law framework of private antitrust actions in Europe The author describes the current post decentralisation state of affairs but also refers to the latest proposals to enhance private antitrust enforcement in Europe both at the Community level where reference is made to the December 2005 Commission Green Paper on Damages Actions and its aftermath and at the national level where reference is made to recent and forthcoming relevant initiatives



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